

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LOCALS 369, 317, 318, 322, 329, 330, and 350
UTILITY WORKERS UNION OF AMERICA,
AFL-CIO,

Plaintiffs,

LOCALS 12003, 12012 and 13507 UNITED
STEEL WORKERS, AFL-CIO

Plaintiffs,

BENJAMIN CARON, et al.

v.

NATIONAL GRID, USA

Defendant.

Removed from:
Commonwealth of Massachusetts
Middlesex County
Superior Court Department of the Trial
Court
State Court Civil Action No. 12-4567

Civil Action No. _____

NOTICE OF REMOVAL

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS:

Pursuant to the provisions of 28 U.S.C. §§ 1331, 1441(a) and 1446, defendant National Grid USA (incorrectly sued herein as National Grid, USA) (“National Grid”), files this Notice of Removal of this cause from the Massachusetts Superior Court for Middlesex County, where it is pending, to the United States District Court for the District of Massachusetts. In support of this Notice of Removal, National Grid states as follows:

1. On or about December 21, 2012, ten labor organizations, Locals 369, 317, 318, 322, 329, 330, and 350 of the Utility Workers Union of America, AFL-CIO and Locals 12003, 12012 and 13507 of the United Steel Workers, AFL-CIO, and twelve individual members of such labor organizations, Benjamin Caron, Kerry Ashmore, Colin Walsh, John Taglieri, William Soucy, Richard Mosher, John King, Clifford Ferrone, Margaret Flynn, Matthew Balboni, Wayne

Davis, and Martin Hernon, filed an Amended Complaint against National Grid in the Massachusetts Superior Court for Middlesex County.

2. The Summons and Amended Complaint were served upon National Grid on January 11, 2013. A copy of the Summons and Amended Complaint is attached as *Exhibit A*.

3. The Amended Complaint alleges breaches of collective bargaining agreements between National Grid and each of the ten labor organizations that are plaintiffs, pursuant to Section 301 of the Labor Management Relations Act, 29 U.S.C. § 185 (“LMRA”).

4. The Amended Complaint also alleges violations of the Massachusetts Wage Act, M.G.L. ch. 149, §148, brought by twelve individual members, purportedly suing on behalf of themselves and all other employees similarly situated in each of their respective collective bargaining units. Although styled as a state law cause of action, the Massachusetts Wage Act claim is governed by the LMRA because resolution of the union members’ claim is substantially dependent upon an analysis of the collective bargaining agreements between National Grid or its subsidiary companies and the respective labor organizations that represent the individual plaintiffs.

5. As the Amended Complaint arises under the LMRA, this Court has original jurisdiction under 29 U.S.C. § 185(a) and 28 U.S.C. § 1331. By virtue of the provisions of 28 U.S.C. § 1441(a), this entire matter is one which may be removed to this Court.

6. Venue is proper because this Court is the federal court for the district and division embracing Middlesex County, Commonwealth of Massachusetts.

7. Pursuant to 28 U.S.C. § 1446(d), written notice of the removal of this action together with a copy of this Notice of Removal will be filed with the Trial Court of Massachusetts, Superior Court Department, Middlesex County, and will be served on all parties.

WHEREFORE, defendant National Grid respectfully requests that this case proceed in this Court as an action properly removed thereto.

Dated: Boston, Massachusetts
February 11, 2013

Respectfully submitted,

McCARTER & ENGLISH, LLP

By: /s/ Carolina Avellaneda

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Attorneys for Defendant
NATIONAL GRID USA

CERTIFICATE OF SERVICE

I, Carolina Avellaneda, hereby certify that on February 11, 2013 a copy of the within Notice of Removal was served by mailing same overnight, postage prepaid, upon the following:

Paul F. Kelly, Esq.
Louis A. Mandarin, Esq.
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Counsel for all plaintiffs

/s/ Carolina Avellaneda
Carolina Avellaneda